

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CURTIS LAVERNE BAKER,

Petitioner,

v.

CASE NO. 2:10-CV-13304  
HONORABLE AVERN COHN

LLOYD RAPELJE,

Respondent.

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**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S MOTION  
FOR APPOINTMENT OF COUNSEL**

This is a habeas case under 28 U.S.C. § 2254. Before the Court is Petitioner's motion for appointment of counsel. Petitioner asserts that he is unable to afford counsel, that his claims are meritorious but complex, and that he has limited legal knowledge. Petitioner has recently submitted his habeas petition. Respondent has not yet filed an answer to the petition or the state court record.

Petitioner has no absolute right to be represented by counsel on federal habeas review. See *Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); see also *Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)).

Here, Petitioner has submitted pleadings in support of his habeas claims. Neither an evidentiary hearing nor discovery are currently necessary, and the interests of justice do not require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c). Accordingly, Petitioner's motion for appointment of counsel is DENIED. The Court will bear in mind Petitioner's request if, upon further review of the pleadings, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: August 27, 2010

I hereby certify that a copy of the foregoing document was mailed to Curtis Baker 211565, Saginaw Correctional Facility, 9625 Pierce Road, Freeland, MI 48623 on this date, August 27, 2010, by electronic and/or ordinary mail.

S/Julie Owens  
Case Manager, (313) 234-5160